

Submission



Consultation for Managing Microbeads in Personal Care Products

To the Ministry for the Environment

By: **Cosmetic Toiletry and Fragrance Association of New Zealand Inc.**



Submitted on: 28 February 2017

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Contact Details

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The CTFA is available for further consultation specific to this industry sector and does not object to this submission being made available publically.

Submission Summary Statement

The CTFA wishes to ensure that the regulation of cosmetic products that may be impacted by the proposed regulation remains consistent with international best practice and timelines.

We believe that this proposal is somewhat redundant given the industry, as an environmentally minded industry (even while less is known on the environmental impact of microbeads used in cosmetics and personal care products), is already removing all plastic microbeads used as exfoliating or cleansing in rinse-off cosmetic products

Ensuring alignment with New Zealand's trading partners is critical to avoid costs to business in New Zealand and at the same time ensuring timely removal of plastic microbeads from cosmetic products that are designed to be washed down the drain.

Narrowing down the ban to those products designed to be washed down the drain and that contain plastic microbeads is appropriate and we support alignment with the US description for that purpose.

We believe that the implementation of a manufacturing ban within New Zealand will have little impact on our members and can be undertaken as early as 2018.

Imported products need to have sufficient time to comply and a ban on placement in market only should occur from July 2018 at the earliest with a further period for sell through.

The definition of plastic microbeads need to be clear and aligned with an existing definition such as in the US.

We believe that the government has sufficient funding available through the waste levy and that this purpose is appropriate.

The level of enforcement should be able to decrease over time as globally any form of plastic microbeads will disappear from cosmetic products that are designed to be washed down the drain.

4. CTFA Specific Responses

Question# (Proposal)	Proposal/Question
Question 1	<p>Do you agree with the Government's proposal to prohibit the manufacture and sale of personal care products containing microbeads (eg, body scrubs, facial cleaners, toothpastes) to reduce their impacts on New Zealand's environment and human health? Why/why not?</p>
	<p>The Cosmetic industry is committed to the removal of plastic microbeads from cosmetic products that are designed to be washed down the drain.</p> <p>We accept that plastic should be removed from the environment although we believe based on international research that this source is extremely small compared to many other sources of plastic in the marine environment.</p> <p>While we are not convinced that this is a serious impact to, either New Zealand's environment, or to human health, we support the need for removal and we have been responsibly acting to do this for some time globally.</p>
Question 2	<p>What are your views on the Government narrowing or widening the definition of the scope of personal care products containing microbeads that are designed to be washed down the drain to be prohibited from manufacture and sale in New Zealand??</p>
	<p>Given that the products that impact specifically in this area are those of wash off, we believe this definition should be narrowed to those products as has occurred in the US.</p>
Question 3	<p>Do you currently manufacture, sell or use any personal care products containing microbeads? Please specify.</p>
	<p>As a trade association representing companies of both multinational and domestic production we can state that no New Zealand manufacturer uses plastic microbead in products made in New Zealand. We have some international brands who may still have products containing plastic microbeads however this is reducing quickly as products are being reformulated.</p>
Question 4	<p>Do you currently manufacture, sell or use any personal care products containing microbeads for medically prescribed uses or purposes? Please specify.</p>
	<p>While most of our members do not provide medical products in New Zealand we do believe that if there is a medical purpose for the inclusion of plastic microbeads accepted by the Ministry of Health then it should be permitted. We recommend that products registered as Medicines be exempted.</p>
Question 5	<p>Do you currently import any personal care products containing microbeads into New Zealand, either for sale or personal use? Please specify, including the source of the product.</p>
	<p>This is a response for our member companies should they choose to respond to this question.</p>
Question 6	<p>Are you aware of any personal care products containing microbeads for any purpose that could be considered an essential or critical use? Please specify.</p>
	<p>We are not aware of any that could be classified as such.</p>
Question 7	<p>Do you currently manufacture, sell or use any alternatives to personal care products containing microbeads (or components therein), which are designed and used for the same purpose(s)? Please specify.</p>
	<p>Most of the international brands/companies have an active program to either remove plastic</p>

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	microbeads that are used for exfoliating or cleansing in products designed to be washed down the drain or replace them with alternatives which are environmentally safe. It is therefore critical that any regulation state clearly the definition of plastic microbeads in line with other regulations already entered into force.
Question 8	Do you consider the alternatives to personal care products containing microbeads (or components therein) to be reasonably practicable, readily available, and similarly priced for existing personal, business or other uses? Why/why not?
	There are alternatives and our member companies are already working to replace plastic microbeads with those available. Some may cost more depending on the availability and durability within the product. Most are from natural sources.
Question 9	Is there any reason why the alternatives would not be reasonably practicable, readily available, or similarly priced for personal, business or other uses? If so, would you consider operating against the policy intent and importing personal care products containing microbeads from overseas?
	As our industry is committed to the removal of plastic microbeads, the sourcing of alternatives has been underway for several years and as volumes grow we believe costs will ultimately be comparable. Our members look to fully comply with the policy intent.
Question 10	What would be the impact on you or your business if personal care products containing microbeads were prohibited from manufacture and sale in New Zealand and the alternatives were not reasonably practicable, readily available, or similarly priced?
	The members of the CTFA are committed to plastic microbead removal in cosmetic products that are designed to be washed down the drain and therefore the primary question that our members are concerned about is the impact if the ban were to be applied too early and too widely on sell through products. We must be keep in mind that the products need to be reformulated. Identifying replacement materials that are both safe and effective is not an easy task. We should remember that companies must ensure that products are safe and meet the needs of consumers. Also, we must consider the small and medium sized companies for whom reformulation can be a more complex and resource consuming process.
Question 11	Do you support the Government's approach to administration and enforcement of the proposed regulations under the Waste Minimisation Act? Why/why not?
	The EPA already administrates the Cosmetic Products Group Standard under the Hazardous Substances and New Organisms Act and therefore the proposed administration and enforcement by the EPA is a logical and sensible option.
Question 12	Are there any other considerations for administration and enforcement of the proposed regulations that have not been outlined in the Administration and enforcement section of this consultation document?
	The funding of this role should come from the Waste Minimisation Fund operated by the Ministry for Environment which the wider industry and consuming public are already contributing to through the Waste Levy.
Question 13	What are your views on the Government's proposed timeframe for entry-into-force of the regulations under the Waste Minimisation Act to prohibit the manufacture and sale of personal care products containing microbeads?

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	<p>The prohibition on manufacturing within New Zealand timing is not an issue for our members since none manufacture within New Zealand. We would be comfortable for this to occur in 2018.</p> <p>The sale ban however needs to be a sufficient period of time to ensure that the sell through of products can occur and to this end we would prefer the regulation to state “importers and manufacturers placing in the market for sale” with the deadline of July 2018 to allow the sell-through of warehoused stock to be sold out within the country.</p>
<i>Question 14</i>	<p>Are there any issues about the proposed timeframe for entry-into-force of the regulations that the Government should consider?</p>
	<p>We are conscious that products can remain on shelf for some period of time and while the majority of products may be sold through by the proposed deadline. Therefore providing sufficient time for the sell through at the retail level is critical to avoid the need to take back any residual stock as it can take sometimes more than 18 months for products to sell through.</p> <p>We recommend the extension of the deadline by a further 6 months to allow retail sell through.</p> <p>We would signal that personal imports of products should be bound by the same rules as those brands importing commercial shipments. We believe that those individuals purchasing from grey market suppliers via the internet, such as Strawberry.net, need to comply with this regulation if implemented and if the intent of the proposals are to be met. Customs has the power to act under the Hazardous Substances and New Organisms Act but not under the Waste Minimisation Act in this regard.</p> <p>Therefore communication of the law with those suppliers by government may assist since they are based outside New Zealand.</p>
<i>Question 15</i>	<p>Are there any ways the Government could help industry or consumers transition away from personal care products containing microbeads ahead of the regulations’ entry-into-force?</p>
	<p>The EPA holds a database of all importers of cosmetic products and ingredients and this should be a primary point of contact to ensure those companies who are not members of the CTFA are advised of the changes and entry into force.</p>

Background Information

The Cosmetic Toiletry and Fragrances Association of New Zealand Inc. (CTFA) is the pre-eminent membership organisation representing cosmetic companies within New Zealand. The CTFA is affiliated to similar bodies internationally and communicates with such bodies to ensure international harmonisation where possible.

The present membership consists of the majority of Cosmetic, Toiletry and Fragrance manufacturers and/or distributors of such products within New Zealand and by value around 90% of the domestic New Zealand Cosmetic market.

The Cosmetics industry in New Zealand generates around \$150 million in exports across a range of product types ranging from traditional cosmetic products to natural ingredient and unique New Zealand cosmetics. These products are also sold in the domestic market.

CTFA Membership is voluntary and governed by a Code of Ethics for market conduct.

A Cosmetic Code of Practice is well developed covering Good Manufacturing Practice. (GMP) (Aligned to the International Standards Organisation 22716 - GMP) Included in the voluntary code guidelines are handling, storage and labelling practices for our member companies to ensure compliance with the Hazardous Substances and New Organisms (HSNO) legislation under the Cosmetic Group Standard 2006 Regulation.

Most of our manufacturing members hold an audited by the CTFA dual certification for GMP ISO 22716 and the New Zealand GMP CTFA certification. Certificates are renewed every 5 years.

The Code of Practice is available free to members of the CTFA but not available to non-members who may still use the ISO standards.

Currently the CTFA New Zealand has 99 full members included sub groups such Beauty, Hair Salon Marketers and includes 16 domestic manufacturers. It also has 26 associate or supplier members ranging from media to packaging and services suppliers.

The CTFA and its members support the charity "Look Good Feel Better" by both fund raising and providing products in excess of \$2.5 million dollars per annum. The charity provides annually workshops for more than 2000 women with cancer on how dealing with the effects of the treatment each year.

The CTFA works in close cooperation with groups such as the Direct Sellers Association and the Employers and Manufacturers Association on issues of common interest. Direct Sellers account for around 20% of Cosmetic sales in New Zealand and for a significant component of the exports from New Zealand.

Our products range from the well understood perfumes, colour and skincare products to products such as toothpaste, oral care and anti-dandruff shampoos. These are commonly called personal care products within the wider industry.

Governance of our products falls mostly under the HSNO Cosmetic Groups Standard although all products that also constitute dangerous goods are covered by the Dangerous Goods regulations of the HSNO legislation as set out within the Group Standard.

Products that have a therapeutic benefit or claim maybe covered by the Medicines Act as a related product such as higher level fluoride toothpastes and anti-dandruff shampoos that also include treatments for other conditions.

Around 95% of cosmetic products sold in New Zealand are imported. These are manufactured to world best practice and accepted Good Manufacturing Practice standards in Europe, USA, Canada or Australia or in other markets under licence and to those same standards by global manufacturing facilities.

New Zealand is not an isolated market with more than 380 fragrances marketed to women and almost 200 fragrance or cologne products marketed to men currently. Around 50+ new fragrances are launched each year and around 15 are withdrawn making this a dynamic and changing market.

Skin care, colour make up and beauty products have a range of more than 200 product brands while hair care, body wash and care products number around 100 brands. While less products are launched or withdrawn in this category of product it continues to change with new and innovative skin products constantly being launched. We see sun care and sunscreen products as part of those skincare products.

The representation of cosmetics product in New Zealand is less than is available in some larger markets. In spite of the size of our market, it is considered to have a significant range of consumer choice which is enabled by the current internationalisation of the New Zealand marketplace under the Cosmetic Group Standard.